

# **PLANNING BOARD MINUTES**

## **SPECIAL MEETING**

**June 28, 2010**

**Planning Board members present: Staff present:**

**Arthur Weber, Chairman Ron Wolanski, Town Planner**

**Jan Eckhart, Vice Chairman Mike Miller, Town Solicitor**

**Audrey Rearick Roland Chase, Assistant Solicitor**

**Richard Adams Jack Kane, Building/Zoning Official**

**B.J. Owen Alison Ring, Principal Planner**

**The meeting was called to order at 9:00 am.**

**1. Discussion of potential options for zoning ordinance amendments regarding protection of Middletown's historic resources and landscapes, and scenic view sheds from the impacts of development of new buildings and structures.**

**Mr. Weber discussed the process that is underway.**

**Mr. Wolanski stated that the draft currently before the board was provided by the solicitor's office to, as requested by the board, implement some of the criteria used in Vermont, as provided by Rick Greenwood of the RI Historic Preservation and Heritage Commission. Based on discussion during the June 9th Planning Board meeting, some Planning Board members feel the revised ordinance would be**

too onerous. The Town Council has rejected the board's request to establish a committee to identify particular view sheds of concern. Two considerations are the need to have the ordinance better address specific language in the comprehensive plan, which may require only minor revision, and the desire on the part of some board members to provide more specific criteria to be used by the boards as applications are reviewed. Mr. Wolanski suggested some possible amendments to the draft.

In response to a question Mr. Miller and Mr. Chase stated that the current ordinance is not necessarily inconsistent with the Comprehensive Plan, but additional language might be useful.

Mr. Adams expressed concern over the use of "shall" vs. "should" in the ordinance.

Mr. Miller explained the need for definitive language in an ordinance.

Mr. Chase asked about the board's feeling for the proposal to require addition oversight for medium tower turbines, as proposed in the latest draft amendments.

Mr. Eckhart expressed reservations about this proposal.

There was discussion of the role of regulations in terms of promoting alternative energy vs. protecting the best interests of the town.

There was discussion of the possibility of listing particular view sheds in the ordinance, or having a separate list or criteria to be used by the boards in review of applications. Mr. Miller advised that any criteria should be contained in the ordinance.

John Bagwill commented on the need to be consistent with the comprehensive plan.

**There was discussion that the current adopted ordinance, together with the language contained in the comprehensive plan, might provide sufficient guidance for the boards. Boards would make appropriate findings to support decisions.**

**Mr. Eckhart suggested listing view sheds in the comprehensive plan, rather than in the zoning ordinance. Mr. Miller stated that that is an option but would take longer to get adopted than a zoning amendment.**

**There was continued discussion of the possibility of listing examples of the view sheds to be protected in the ordinance.**

**Mr. Miller questioned whether there is the need to modify the term “prominent public vantage point”.**

**Mr. Chase suggested making changes to sections 25A03 paragraph seven, by deleting the second sentence, and section 25A05.C., which would modify some of the more onerous requirements.**

**Ms. Owen left the meeting. She stated that appropriate regulation is needed, but not to the point of eliminating the possibility of turbine development.**

**Mr. Eckhart questioned how an applicant would know which views to use in the required photo simulations. Mr. Chase noted definition of “prominent public vantage points”.**

**There was discussion of what constitutes a “significant number of the public” as used in the definition.**

**Richard Price suggested that the definition could be revised.**

**Mr. Adams left the meeting.**

**Due to the lack of a quorum, the meeting adjourned.**

**The meeting adjourned at 10:20am**

**Respectfully submitted:**

**Ronald M. Wolanski**

**Town Planner**